



IT IS ORDERED

Date Entered on Docket: December 4, 2013

The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE:

FRED DALE VAN WINKLE,

Debtor.

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)
)

No. 13-11743-j7

<p>ORDER LIFTING STAY AS TO DEBTOR'S OTERO COUNTY PROPERTY</p>

SUBMITTED BY:

Martin, Dugan & Martin

W. T. Martin, Jr.

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THIS MATTER came before this Court on a telephonic hearing at 11:15 a.m. on November 25, 2013, upon the *Motion to Lift Stay* filed by **Bellevue Valley Land Co., Inc., John H. Williams and Ellen B. Williams** (*hereinafter jointly referred to as "Williams"*). Williams appeared by and through Williams' attorney of record, W. T. Martin, Jr. The Debtor, **Fred Van Winkle**, appeared by and through his attorney, R. "Trey" Arvizu, III. **Brian Van Winkle**, who had filed an objection to the Motion did not appear. This Court heard argument of counsel and has determined that the Williams Motion should be granted and **Brian Van Winkle's** objection denied.

IT IS THEREFORE ORDERED THAT:

1. Williams' *Motion to Lift Stay* be, and it hereby is, granted.
2. The lifting of the stay only pertains to the Otero County property to which Williams' judgment lien has attached.
3. Williams may proceed with a foreclosure action to enforce the judgment lien as to the Debtor's Otero County property.
 - a. Any surplus proceeds received from the Special Master's sale following a foreclosure judgment shall be paid to the Trustee.
4. **Brian Van Winkle's** objection is overruled and denied.

###END OF ORDER###

SUBMITTED BY:
Martin, Dugan & Martin

s/submitted electronically

By _____
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Approved by E-mail on December 2, 2103

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Attorney for Debtor

Approved by E-mail on Nov. 26, 2103

Clarke Coll, Trustee

SERVICE

Martin, Dugan & Martin certifies that the following are entitled to service of the Order:

R. Trey Arvizu, III
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Clarke Coll
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